



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
John Henshaw  
Portland Harbor Commission

Published: April 8, 2025  
Expires: April 23, 2025

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**New England District  
Permit Application No. NAE-2020-00214-MOD II**

TO WHOM IT MAY CONCERN: The New England District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) **and/or** Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C §408) **and/or** Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C §1413). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** John Henshaw  
Portland Harbor Commission  
2 Portland Fish Pier #105  
Portland, ME 04101

**AGENT:** Eben Baker  
Stantec Consulting Services Inc.  
30 Park Drive  
Topsham, ME 04086

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Portland Harbor. The project/review area is located around Portland Harbor in Portland and South Portland, Cumberland County, Maine.

**EXISTING CONDITIONS:** Portland Harbor's waterfront is heavily developed, characterized by a mix of piers, wharves, marinas, and commercial offloading facilities for industries like fishing, freight, sand, and petroleum. This active waterfront is recognized as a "working waterfront." However, decades of sediment accumulation around these structures have significantly reduced navigable depths, impacting berthing capacity, vessel support, and public access. Notably, many areas previously accessible at low tide are now intertidal. Fourteen distinct locations historically used for berthing and vessel support are now exposed at low tide. Examples include the areas between Widgery's and Union wharves, Union and Merrill wharves, and Berlin Mills and Holyoke wharves.

The existing habitat within the harbor faces limitations due to legacy contamination in the accumulated sediment, lack of structural complexity, adjacent development, and

heavy vessel traffic. The predominant benthic habitat consists of silty sand and sandy silt substrate, interspersed with debris such as discarded fishing gear, tires, and relic pilings.

Despite these challenges, two sites within the harbor—the East End Beach Barge Landing and Spring Point Marina—support submerged aquatic vegetation (SAV), specifically eelgrass. The East End Beach Barge Landing, a public access commercial facility, provides critical service access to the Casco Bay Islands, with no alternative landings available. Currently, low tide restricts access to this landing. Dredging to -6 feet MLLW is necessary to ensure all-tide access, resulting in the removal of approximately 0.26 acres of medium to high-density SAV.

Spring Point Marina requires dredging to maintain navigable depths within its entrance channel, which serves slips and the marina's travel lift. Previous dredging in this channel allowed SAV to recolonize the area. Maintaining required depths of -7 to -8 feet MLLW will necessitate the removal of approximately 0.93 acres of high-density SAV.

## **PROJECT PURPOSE:**

**Basic:** The basic project purpose is to perform maintenance dredging within existing berths and public access points in Portland Harbor.

**Overall:** The overall project purpose is to perform maintenance dredging to restore full-tide access to existing berths and public access points within Portland Harbor in order to maintain and enhance the economic vitality of the Harbor's working waterfront.

**PROPOSED WORK:** The Corps received a request to modify Department of the Army permit NAE-2020-00214, issued May 20, 2021, to the Portland Harbor Commission. The permit authorized the dredging and disposal of approximately 244,677 cubic yards of material from 34 piers/areas within Portland Harbor, totaling 46.79 acres of dredge area, into the Portland Harbor Confined Aquatic Disposal (CAD) cell.

The permittee has requested the following modification:

Increase Dredge Quantity and Revise Dredge Locations: Dredge approximately 272,944 cubic yards of material from 25 piers/areas within Portland Harbor, totaling 40.49 acres of dredge area. This represents a net increase of 28,267 cubic yards from the original permit. The increase is attributed to updated bathymetric data and revised requests from pier owners. The owners of Amethyst Lot/Ocean Gateway, Aspasia, Liberty Shipyard, Ricker's Wharf, and Sturdivant's Wharf have opted out of dredging, reducing the total dredge areas by nine locations and 40.49 acres of dredge area.

Utilize Two Disposal Locations:

Portland Harbor CAD Cell: Approximately 228,478 cubic yards of unsuitable material will be disposed of in the Portland Harbor CAD cell (coordinates: 43.645931°N, -70.251492°W).

Designated Portland Disposal Site (PDS): Testing conducted on July 31 and August 1, 2023, with supplemental testing in February 2024, determined that approximately 44,469 cubic yards of material from East End Landing, Maine Yacht Center, Saltwater Grille, and South Portland City Pier are suitable for offshore disposal. The permittee requests to transport this material to the approved PDS located approximately 7.1 nautical miles offshore (coordinates: 43.648083°N, -70.102906°W). The transportation route will originate from each of the four dredge areas and terminate at the PDS coordinates.

The work is shown on the enclosed plans titled “Portland Harbor Project Areas Disposal Categories” on one (1) sheet, undated, “Proposed 2025 Disposal Haul Route” on one (1) sheet, dated “2025-02-04”, and “NAE-2020-00214 MOD II – 2025 Modification Request for dredging of Portland Harbor” on four sheets, undated.

Additional plans are available per request.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The disposal of dredge material into the Portland Harbor CAD cell will be evaluated under the 404(b)(1) Guidelines of the Clean Water Act. The applicant has considered the following alternatives: upland disposal with beneficial use, upland disposal into a landfill, disposal into a confined disposal facility, disposal into the Portland Harbor CAD cell, and disposal at an approved offshore disposal site. These alternatives were considered under the following criteria: type and volume of sediment, costs, environmental considerations, and limitations of each alternative.

The disposal of dredge material at the designated Portland Disposal Site (PDS) will be evaluated under 40 CFR Part 227, Subpart C of Section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972. The applicant has considered the following alternatives: upland disposal (landfill), well injection, incineration, recycling material for reuse, additional biological, chemical, or physical treatment of intermediate or final waste streams, storage, and other disposal sites

**COMPENSATORY MITIGATION:** The applicant has already provided compensatory mitigation under Department of the Army permit NAE-2020-00214, issued May 20, 2021. The proposed changes do not result in additional impacts to submerged aquatic vegetation; therefore, no additional compensatory mitigation is proposed.

#### **CULTURAL RESOURCES:**

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and

procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No known historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region ESA Section 7 Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Within the action area the following species and critical habitat may be present: Atlantic sturgeon, Shortnose sturgeon, Atlantic salmon, Green sea turtle, Kemp's ridley sea turtle, Leatherback sea turtle, Loggerhead sea turtle, North Atlantic right whale and its critical habitat, and Fin whale.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** Based on the Maine State Plane coordinates provided by the applicant, the waterward edge of the proposed work will be within or adjacent to the edge of the Portland Harbor federal channel.

**SECTION 408:** The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the State of Maine, Department of Environmental Protection.

**Coastal Zone Management Act Consistency:** In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management (CZM) Program to USACE as well as the State's CZM Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State CZM Program and must provide necessary data and information to support that statement to the State CZM Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact on the State's coastal zone should be sent to this office with a copy to the State's CZM office.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable

detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

### Dredged Material Disposal Mitigation Discussion

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

### Testing Information

The dredged material has satisfied the criteria for ocean disposal of dredged material as specified in Part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

### Portland Disposal Site

The Portland Disposal Site is periodically used for the disposal of suitable bottom sediments dredged principally from the Portland Harbor/Fore River area (the

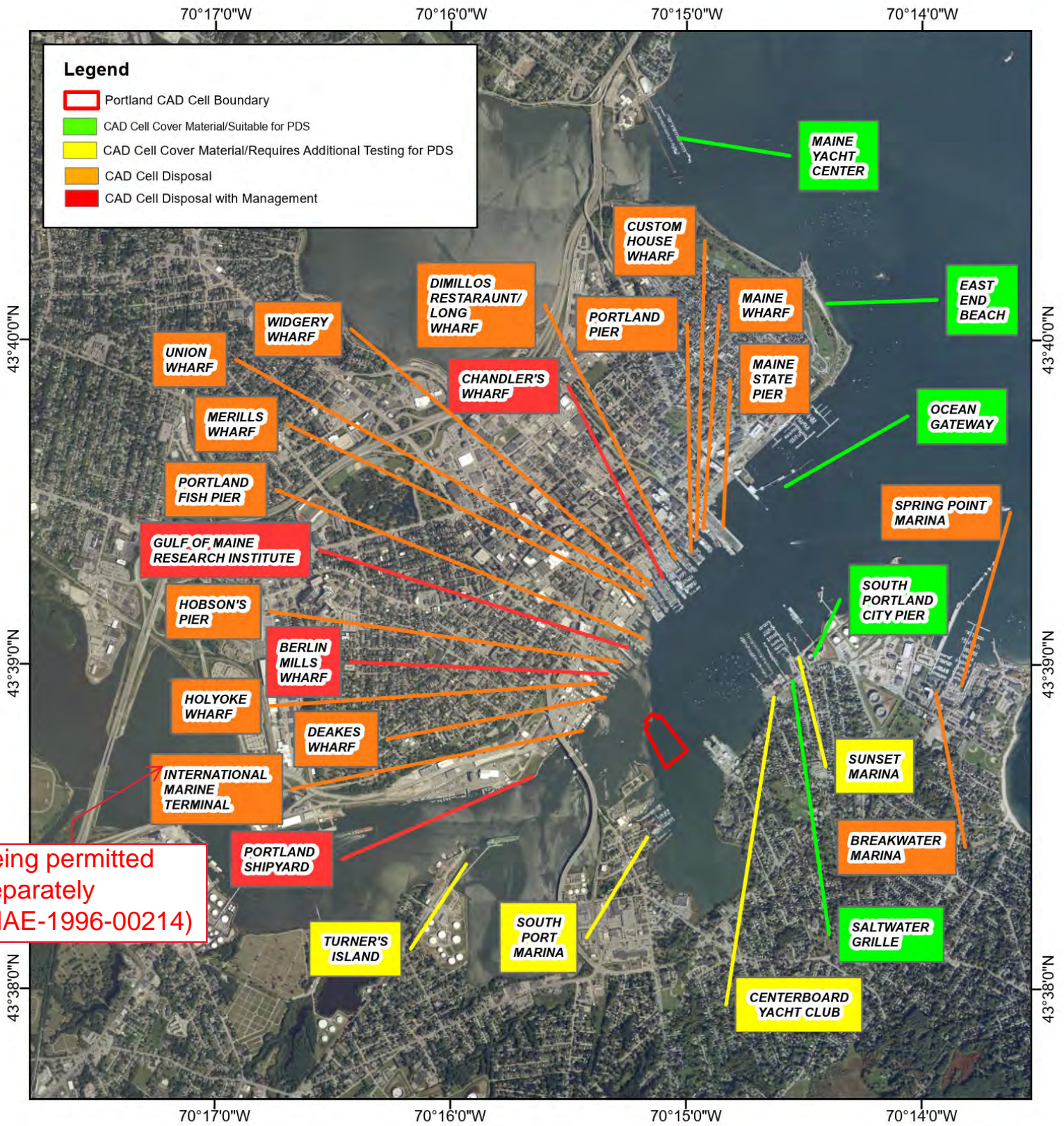
suitability was determined with a project-specific evaluation with an established interagency review process). The quantity of sediments deposited at the site varies considerably each year and peaks when the Federal Channel in Portland Harbor is maintained (approximately every 10 years). Since 1982, an annual average of 160,000 cubic yards of sediments have been deposited. The site has been monitored through the USACE Disposal Area Monitoring System (DAMOS). DAMOS studies show that the site is a low energy environment, such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally low and in most instances are not substantially greater than background levels, indicative of the relatively uncontaminated nature of many of the areas dredged that utilize the site. Previous research has shown that areas outside the disposal site have not been found to be affected by sediment deposited within the site. The DAMOS monitoring has also shown that distinct dredged material mounds have been formed at the site. The Portland Disposal Site has been designated by EPA for the disposal of dredged material only.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

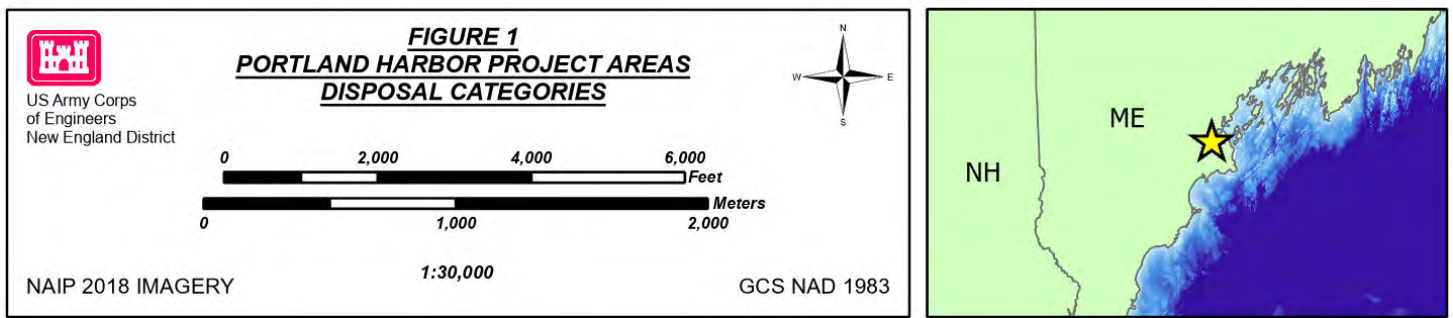
The New England District will receive written comments on the proposed work, as outlined above, until April 23, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Heather Stukas at [heather.s.stukas@usace.army.mil](mailto:heather.s.stukas@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, New England District, Attention: Heather Stukas, Maine Project Office 442 Civic Center Drive, Suite 350 Augusta, ME 04330. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

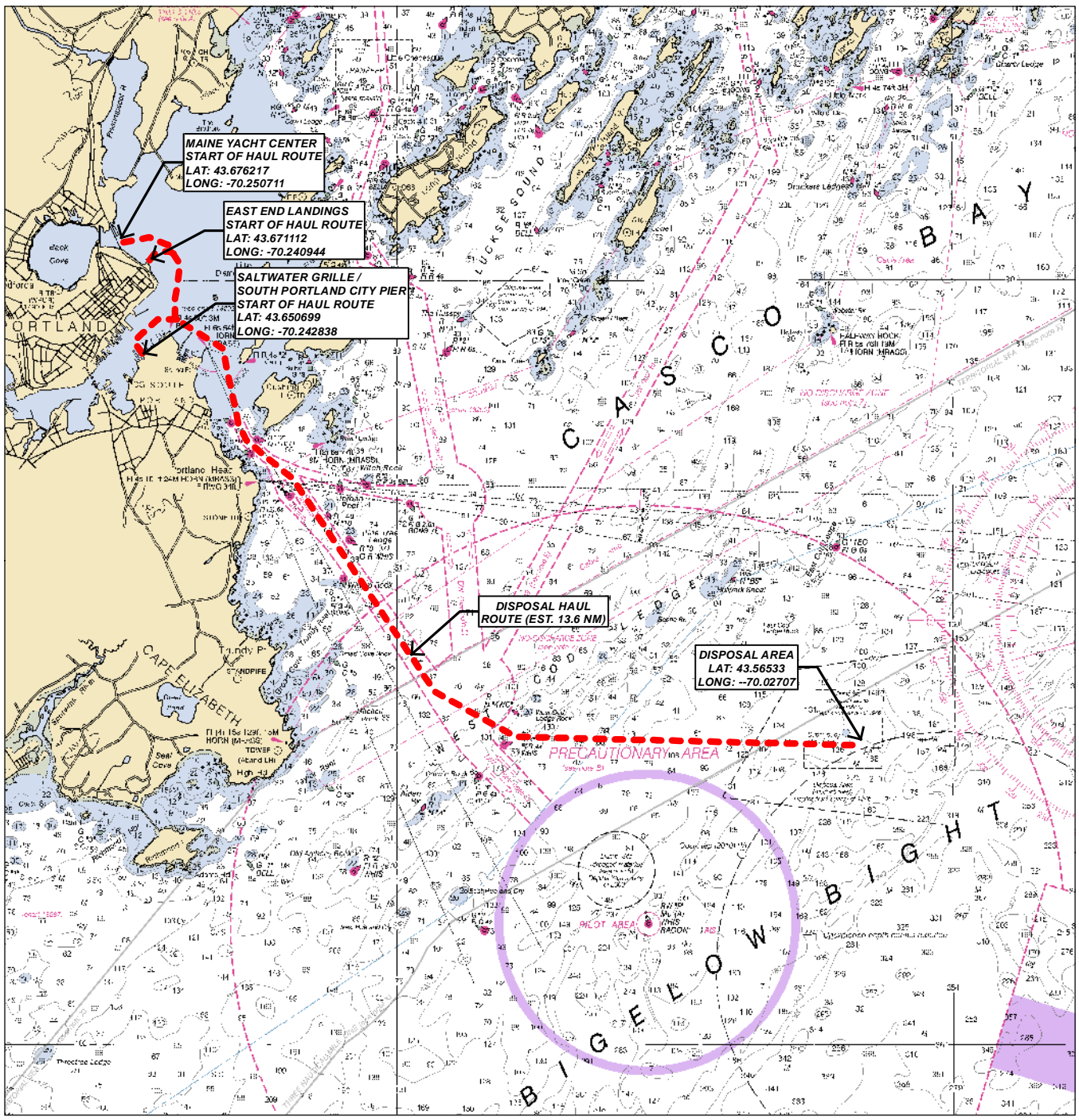




being permitted separately (NAE-1996-00214)







**MAINE YACHT CENTER  
START OF HAUL ROUTE**  
LAT: 43.676217  
LONG: -70.250711

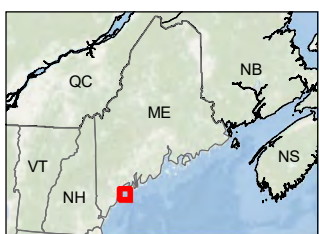
**EAST END LANDINGS  
START OF HAUL ROUTE**  
LAT: 43.671112  
LONG: -70.240944

**SALTWATER GRILLE /  
SOUTH PORTLAND CITY PIER  
START OF HAUL ROUTE**  
LAT: 43.650699  
LONG: -70.242838

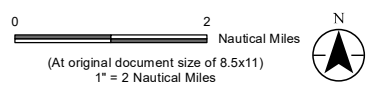
**DISPOSAL HAUL  
ROUTE (EST. 13.6 NM)**

**DISPOSAL AREA**  
LAT: 43.56533  
LONG: -70.02707

**PRECAUTIONARY AREA**



**Legend**  
- - - 2025 Disposal Haul Route



**Project Location**  
Portland, Maine

**Prepared by** PWB on 2025-02-04  
**TR Review by** KWH on 2025-02-04  
**IR Review by** EB on 2025-02-04

**Client/Project**  
TRC  
Portland Harbor Brownfields

**Figure No.**  
1-1

**Title**  
Proposed 2025 Disposal Haul Route

**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
 2. Data Sources: MEGIS, Stantec  
 3. Background: NOAA Raster Nautical Charts (RNC) provided by NOAA's Office of Coast Survey

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**Disclaimer:** This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

**2025 Requested for Modification**

<b>Owner</b>	<b>Pier/Area</b>	<b>Permitted Dredge Area (square feet)</b>	<b>Permitted dredge Volume (cubic yards)</b>	<b>Revised dredge Area (square feet)</b>	<b>New dredge Volume (cubic yards)</b>	<b>Proposed Disposal Site</b>
400 Commercial LLC	Berlin Mills Wharf	19,918	3,361	22,363	1,541	Portland CAD cell
Breakwater Marina condominiums	Breakwater Marina	136,195	7,565	32,690	2,929	Portland CAD cell
YC Realty, Inc.	Centerboard yacht Club	161,499	14,472	209,878	22,921	Portland CAD cell
GEF LLC	Chandler's Wharf (N)	3,724	336	6,454	494	Portland CAD cell
GEF LLC	Chandler's Wharf (S)	1,113	255	1,339	367	Portland CAD cell
Chandler's Wharf Ownership Association	Chandler's Wharf (S)	1,076	112	1,473	241	Portland CAD cell
Custom House Holdings, LLC & County Road, LLC	Custom House Wharf	23,278	3,012	43,680	4,397	Portland CAD cell
General Marine Construction Corp	Deake's Wharf	16,851	3,875	16,786	2,920	Portland CAD cell
City of Portland	East End Landing	71,393	7,059	77,126	7,238	Portland Disposal Site (PDS)
Gulf of Maine Properties, Inc.	GMRI	12,495	2,781	5,157	891	Portland CAD cell
Hobson Pier, inc.	Hobson's Pier	6,193	789	9,711	1,025	Portland CAD cell
General Marine Construction Corp	Holyoke Wharf	10,813	1,868	14,814	2,213	Portland CAD cell
Harbor Fish Market, Inc.	Holyoke Wharf	4,561	1,217	4,523	1,240	Portland CAD cell
Dimillo Arlene ET AL Trustees	Long Wharf/Dimillos	31,675	1,321	33,037	2,630	Portland CAD cell

NAE-2020-00214 MOD II  
 2025 Modification Request for Dredging of Portland Harbor

Owner	Pier/Area	Permitted Dredge Area (square feet)	Permitted dredge Volume (cubic yards)	Revised dredge Area (square feet)	New dredge Volume (cubic yards)	Proposed Disposal Site
City of Portland	Maine State Pier	188,672	20,305	29,432	12,213	Portland CAD cell
Maine Wharf, LLC	Maine Wharf	5,469	878	8,538	1,051	Portland CAD cell
Maine Yacht Center, LLC	Maine Yacht Center	109,042	16,035	184,463	32,322	Portland Disposal Site (PDS)
Waterfront Maine	Merrill's Wharf	4,627	829	5,104	745	Portland CAD cell
City of Portland	Merrill's Wharf/Portland Fish Pier	51,024	5,044	59,235	6,047	Portland CAD cell
City of Portland	Ocean Gateway #2	89,173	6,041	-	-	Portland CAD cell
City of Portland	Portland Fish Pier	4,732	646	8,364	1,351	Portland CAD cell
Atlantic Refinance, LLC	Portland Pier (N) - 50 Portland Pier	468	31	3,402	86	Portland CAD cell
Barbara K Krieger	Portland Pier (N)	5,103	980	5,725	1,233	Portland CAD cell
40 Portland Pier Condo Association	Portland Pier (N)	1,734	163	5,885	776	Portland CAD cell
60 Portland Pier, LLC	Portland Pier (N)	-	-	564	4	Portland CAD cell
Barbara K Krieger	Portland Pier (S)	1,083	209	4,386	690	Portland CAD cell
39 Portland Pier, Inc.	Portland Pier (S)	5,990	446	8,638	630	Portland CAD cell
New Yard LLC	Portland Shipyard	27,727	3,361	65,670	21,670	Portland CAD cell

NAE-2020-00214 MOD II  
 2025 Modification Request for Dredging of Portland Harbor

Owner	Pier/Area	Permitted Dredge Area (square feet)	Permitted dredge Volume (cubic yards)	Revised dredge Area (square feet)	New dredge Volume (cubic yards)	Proposed Disposal Site
231 Front Street Grill LLC	Saltwater Grille	22,467	3,442	18,239	3,013	Portland Disposal Site (PDS)
South Port Marine, LLC	South Port Marina	337,688	44,679	480,607	80,889	Portland CAD Cell
City of South Portland	South Portland City Pier	12,085	2,348	10,506	1,896	Portland Disposal Site (PDS)
Spring Point Marina	South Portland	212,365	25,144	69,945	6,936	Portland CAD cell
Offshore Ventures, LLC	Sunset Marina	112,546	15,371	116,602	19,221	Portland CAD cell
Turners Island LLC	Turners LLC	51,650	10,000	94,721	18,833	Portland CAD cell
Union Wharf, LLC	Union Wharf (N)	17,439	3,130	17,447	2,584	Portland CAD cell
Union Wharf, LLC	Union Wharf (S)	35,501	4,624	45,099	6,314	Portland CAD cell
Widgery Wharf, Inc.	Widgery's Wharf	21,519	3,887	37,470	3,393	Portland CAD cell
		<b>1,818,888</b>	<b>215,616</b>	<b>1,759,073</b>	<b>272,944</b>	

Proposed dredge material into Portland CAD cell: **228,475 cubic yards**

Proposed dredge material to the Portland Disposal Site (PDS): **44,469 cubic yards**

Portland CAD Cell capacity: **273,371 cubic yards**

Remaining CAD Cell capacity after March 2025\*: **236,220 cubic yards**

\* As of March 2025 - 37,151 cubic yards (cy) has been disposed into the Portland CAD cell from [Maine State Pier - 20,305cy, Turner's LLC - 10,000cy, construction of the CAD cell - 805 cy and Ocean Gateway #2 - 6,041cy]

**2025 Removed Dredge Areas\*\***

Owner	Pier/Area	Permitted Dredge Area (square feet)	Permitted dredge Volume (cubic yards)	Revised dredge Area (square feet)	New dredge Volume (cubic yards)
City of Portland	Amethyst Lot	50,110	10,290	-	-
Near East Technological Services	Aspasia	74,269	6,839	-	-
L & R North Points Holdings, LLC	Liberty Shipyard	54,303	6,444	-	-
City of Portland	Ocean Gateway/Amethyst Lot	17,215	2,538	-	-
Cianbro Corporation	Ricker's Wharf	8,425	810	-	-
Sturdivant's Wharf LLC	Sturdivant's Wharf (N)	9,086	1,409	-	-
Sturdivant's Wharf LLC	Sturdivant's Wharf (S)	5,703	731	-	-
		<b>219,111</b>	<b>29,061</b>		

\*\* Owners of these areas elected to no longer participate.

**Notable Changes from the 2021 permit and the purposed 2025 modification**

	Permitted in 2021	Purposed Modification	
<b>Dredge Area (acre/ac.)</b>	46.79	40.49	<b>↓6.30</b>
<b>Dredge Volume (cubic yards/cy)</b>	244,677	272,944	<b>↑28,267</b>
<b>Number of Pier/Area</b>	34	25	<b>↓9</b>
<b>Disposal Site(s)</b>	Portland CAD cell	Portland CAD Cell and Portland Disposal Site	